

MINUTES

LEGISLATIVE MEETING -- OCTOBER 19, 2016

The October 19, 2016 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Thomas L. Mehaffie III. President Mehaffie called for the pledge of allegiance and a moment of silence.

Roll call was taken with the following officials in attendance:

- Thomas L. Mehaffie III, President
- Jon G. Wilt, Vice President
- Michael J. Davies, Commissioner
- Laddie J. Springer, Assistant Secretary
- Todd F. Truntz, Commissioner
- Frank E. Williamson, Public Safety Director/Assistant Manager
- Terry L. Kauffman, Interim Manager
- Jean R. Arroyo, Secretary
- Peter R. Henninger, Solicitor
- Erin G. Letavic, HRG, Engineer

Residents and visitors in attendance: (PLEASE SEE ATTACHED SIGN-IN SHEET)

PUBLIC COMMENTS:

Ronald Paul, 2 Richard Avenue, read aloud his letter of interest in being appointed to fill the Board vacancy created when President Mehaffie, who is running unopposed in the November general election, replaces John Payne as State Representative of the 106th District. Mr. Paul noted that he has lived in the Township since 1974, and has been involved with the Lower Swatara Township Athletic Association for 17 years as a volunteer softball coach. He was also employed by the Township for 35 years, retiring in January of 2012. During the last 16 years of his employment, he served as the Township Manager/Secretary, while continuing as the Planning and Zoning Director and at the same time managing the Municipal Authority. Mr. Paul stated that he understands municipal government, and has vast experience with Lower Swatara Township. He added that he invested half of his life working to make sure the Township is a great place to live and work, and looks forward to once again serving this great community as a new member of the Board.

President Mehaffie thanked Mr. Paul for his letter of interest. He stated that he will most likely resign from the Board in the coming months if voted in by the majority of the 106th District on November 8, and feels it is good to see if others are interested in the position. He suggested the possibility of putting something on the website. Commissioner Truntz commented that while President Mehaffie's resignation is contingent on the election, he does not want to wait to the last minute to seek letters of interest. Solicitor Henninger agreed that once President Mehaffie is elected and resigns from the Board, there are certain timeframes and procedures that must be followed as far as replacing him. It is better to start earlier to receive letters of interest for possible candidates. Solicitor Henninger stated that he would work with Mr. Williamson and Mr. Kauffman to come up with language for the website.

APPROVAL OF MINUTES:

A motion was made by Commissioner Springer, seconded by Commissioner Truntz, to approve the Minutes of the September 21, 2016 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Vice President Wilt, to approve the Minutes of the October 5, 2016 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Commissioner Springer, seconded by Commissioner Truntz, to approve the payment of bills as presented on Warrant No. 2016-09. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

A motion was made by Commissioner Truntz, seconded by Commissioner Davies, to approve the Treasurer's Report for September 2016. The motion was unanimously approved.

PUBLIC SAFETY DIRECTOR'S REPORT:

Frank Williamson, Public Safety Director, provided the Board with the monthly report. He noted that this report will now contain Fire Department data, which will eliminate the need

for the Fire Chief to attend Board meetings unless requested. For September, the Police Department investigated 16 Part 1 crimes. Year-to-date, the numbers are up by 15 from last year. This is mainly due to increase in the larceny category. Mr. Williamson added that last night, patrol apprehended an individual which should clear about a dozen vehicle entries in the Township and Borough of Highspire. The Police Department investigated 43 Part 2 crimes. Year-to-date, that is one less than last year. There were 481 calls for service for the month, 46 investigations, 24 total arrests, 44 traffic citations, 11 non-traffic citations, and 23 warnings.

The Lower Swatara Fire Department had 43 calls for service. Average personnel year-to-date is 5.5 per call, with 329 total runs for the year.

The Life Lion EMS which is stationed here at the Township Building had 125 responses last month, and 71 "911" responses in the Township. The other responses from the 125 figure included mutual aid and 3 out onto the PA Turnpike.

ENGINEER'S REPORT:

Ms. Letavic updated the Board on the Richardson Road Bridge Replacement Project. Submittals for construction are under review. While a specific construction schedule has not yet been received from the contractor, last word was that the work will likely begin in January. Research continues on the zoning map boundary issues. She and Solicitor Henninger will be discussing this with the surveyor next week to make sure the scope of work is reduced to the absolute minimum necessary. As per the directive of the Board, the old playground equipment was removed from the Shopes Garden playground today. The playground equipment at the Old Reliance playground will be removed next. The Public Works Department has prepared signage to advise the residents of the status.

A Peer-to-Peer Grant meeting regarding the athletic fields will be held here tomorrow evening. Ms. Letavic noted that she will attend this meeting, as well as a follow-up meeting with the consultant next Friday. President Mehaffie asked who else will be attending the meeting. Ms. Letavic stated that she anticipates participation by the athletic associations, the School District, and the Boroughs of Middletown and Royalton.

MANAGER'S REPORT:

President Mehaffie introduced Terry Kauffman, interim manager, who the Board contracted as a consultant. He also commended Mr. Williamson for stepping up in his new role as not only Public Safety Director but also Assistant Manager. He noted that Mr. Williamson is doing a great job. Mr. Kauffman explained how he and Mr. Williamson are splitting up duties. Mr. Williamson is primarily responsible for the day-to-day activities and is working diligently on the Township budget, with Mr. Kauffman's assistance. Mr. Kauffman is working on the Municipal Authority budget, with Mr. Williamson assisting. Mr. Kauffman added that he is also working on the personnel policy, job descriptions, and employee reviews. He stated that he feels the Township has a good staff, although they are a little troubled due to all the changes they have seen. Mr. Kauffman explained a lot is being done to ensure stability and make sure staff has someone available to speak with if they have questions. He stated that he feels very positive about this group, and wants them to be healthy and happy while providing the best customer service possible. Mr. Kauffman reported that he is usually in the office four to five days a week, and also checks his email on a regular basis. He urged anyone with questions to call or email him.

Mr. Williamson reported that he had a few items for formal action tonight. A motion was made by Commissioner Davies, seconded by Vice President Wilt, to approve advertisement of a Special Budget Meeting on November 2 at 6:00 P.M. in order to publicly review a preliminary draft of the 2017 budget document. The motion was unanimously approved.

Mr. Williamson added that with the manager gone, the Board should take action to make him a signer on the Township accounts. A motion was made by Commissioner Truntz, seconded by Vice President Wilt, to approve the addition of Frank Williamson as a signatory on the Township's accounts with Mid Penn Bank. The motion was unanimously approved.

The Municipal Authority will be taking action at its meeting next week to approve a bid for repairs to a manhole that has subsided on Hamilton Drive. Three telephonic bids were received, and the low bid is under the bid amount. Commissioner Davies asked if there is a timeframe for the repairs to be made, as he knows that residents on that street have concerns about access. Mr. Kauffman stated that the repairs are scheduled for the last week of this month, but may be done sooner.

President Mehaffie referenced the list of future meetings/events:

| | | |
|-------------|-------------|---|
| October 24 | 7 PM | Municipal Authority Meeting |
| October 27 | 7 PM | Planning Commission Meeting |
| October 27 | 6 PM – 8 PM | “Trick-or-Treat” |
| October 31 | 6 PM | Zoning Hearing Board (continuance) |
| November 2 | 6 PM | CANCELLED: Recreation Board Meeting |
| November 2 | 7 PM | Public Hearing on Zoning Amendment (increasing number of members on the Zoning Hearing Board) followed immediately by Board of Commissioners Workshop Meeting |
| November 8 | | Election Day – Township Offices Closed |
| November 11 | | Veterans Day – Township Offices Closed |
| November 16 | 7 PM | Board of Commissioners Legislative Meeting |

President Mehaffie asked if Mr. Williamson had an opportunity to meet with the Township’s Community Policing Advisory Committee. Mr. Williamson confirmed that he had met with Jim Kazakavage from the group, who will be reaching out to the other members about participation in the “Witch Watch” program during the hours of “trick-or-treat”. Officer Miller will be working with students from the high school to be out on safety patrol that evening. The Police Advisory Committee usually provides pizza for the students afterwards.

SOLICITOR’S REPORT:

Solicitor Henninger reminded the Board of the November 2 Public Hearing on the proposed zoning amendment changing the number of members on the Zoning Hearing Board from three to five. He added that both the Township and County Planning Commission concur with the change.

The Zoning Hearing Board is scheduled to meet on October 31; this should be the final hearing on the Dickerson rezoning request. The Township’s testimony was completed at the last hearing. The other named parties will provide testimony at this hearing, citizen comment will be heard, and closing arguments will be presented. Assuming things are wrapped up that evening, the Zoning Hearing Board will then have 45 days to issue a written decision.

The solid waste/recycling contract will be going out to bid. A resident who had worked in the industry also reviewed the draft, and his comments were incorporated into the document. Solicitor Henninger pointed out that this contract will have a curb cart option, which allows the carts to be emptied mechanically without the need for personnel. While not required, it is the preferred option. The contract is set up to allow for the curb cart plus one bulk item or 3

bags/containers plus one bulk item, or 4 bags/containers and no bulk item. The waste curb cart is 96 gallons, although residents can request a smaller size. The recycling curb cart is 64 gallons, but residents can also request a smaller size cart. Solicitor Henninger explained that the last contracts were three year contracts with the allowance for two one-year extensions. The recommendation is that the Township may get a better price with a five year contract, with the possibility of two one-year extensions if mutually agreed to by both parties. The request for bids will be placed in this Sunday's Patriot News. A mandatory pre-bid meeting is scheduled for November 1 with bids due by November 15 and potential award at the November 16 meeting. Solicitor Henninger asked the Board's feeling on a five year contract versus a three year contract. President Mehaffie referenced the two one-year options to extend, and asked when notice is required to be given to approve the extension. Solicitor Henninger responded that he believes there is a 120 day notice required, but will ascertain that it is in the bid specifications. Vice President Wilt stated that he likes the five year contract with two one-year options to extend. Commissioner Springer agreed that he also likes this idea. Commissioner Truntz stated that he usually prefers shorter term contracts which provide more flexibility, unless the pricing is dramatically better. Economics can change. President Mehaffie explained that incinerator fees are now pretty much locked in now. Commissioner Truntz stated his concerns are the more volatile aspects like personnel costs and fuel. President Mehaffie added that the hauler's investment in the equipment should result in better pricing with a five year contract. Solicitor Henninger agreed, and explained that the bid document is written to provide that the carts will be the property of the Township at the end of the contract. The hauler will also be required to put "Lower Swatara Township" on them. Commissioner Davies agreed that since fuel costs are low now, he has less trepidation about entering a five year contract. In response to a question from Commissioner Davies, Solicitor Henninger stressed that nothing is being taken out of the contract. There will still be arrangements for physically disabled individuals, a pay-per-bag option, and yard waste pickup. Solicitor Henninger noted that the new contract also provides for continuing education to the residents during the term of the contract in order to encourage recycling. A motion was made by Vice President Wilt, seconded by Commissioner Springer, to approve advertisement of Bidding Documents and Specifications for Contract for Collection and Disposal of Solid Waste and Collection, Processing, and Sale of Recyclable Materials. This will

be a five-year contract with the option of two one-year extensions by mutual agreement. The motion was unanimously approved.

COMMITTEE REPORTS:

Police Committee – Vice President Wilt – asked Mr. Williamson for an update on the new hires. Mr. Williamson reported that the uniforms have been ordered for the two new officers, and they are going through the administrative process. In response to a question from President Mehaffie, Mr. Williamson confirmed that the new police car was delivered and is in service.

Public Safety Committee – Commissioner Springer – reported he had attended the Fire Department’s Open House, which was very educational and well-attended. He thanked those that put the program together.

Budget & Finance – Commissioner Davies – reported that as mentioned earlier, a special budget meeting will be held on November 2 to go over the highlights of the 2017 proposed budget.

Public Works – Commissioner Truntz – reported the Department has been busy with blacktopping, road repairs, playground equipment removal, leaf collection, rehab of the Woodridge baseball field, mowing, street sweeping, and preparing for winter.

Community and Economic Development – President Mehaffie – reported that the Township has been working diligently on the MS4 program. He asked that anyone having questions or concerns reach out to the staff. Without citizen input, the program cannot be successful.

UNFINISHED BUSINESS:

The Board discussed the Final Land Development Plan of Residential Retirement Community, Phase 1, File #2007-14, located along Fulling Mill Road at the intersection of Nissley Drive, prepared by Navarro & Wright, Inc. and submitted by Fulling Road LLC. The plan was recommended for approval by the Planning Commission on November 15, 2007 with stipulations. The plan was due to expire on February 20, 2008. 90-day time extensions were granted by the Board on February 20, 2008, May 21, 2008, August 20, 2008, November 19, 2008, February 18, 2009, May 20, 2009, August 19, 2009, November 18, 2009, February 17, 2010, May 19, 2010, August 18, 2010, November 17, 2010, February 16, 2011, May 18, 2011, August 17, 2011, October 19, 2011, January 18, 2012, April 18, 2012, July 18, 2012, October 17, 2012, January 16, 2013, April 17, 2013, July 17, 2013, October 16, 2013, December 18,

2013, March 19, 2014, June 18, 2014, October 1, 2014, December 17, 2014, March 18, 2015, July 1, 2015, October 7, 2015, January 20, 2016, April 20, 2016, and July 20, 2016. The plan is due to expire on October 19, 2016. The Township has received a written request for a time extension that will expire on January 18, 2017. Jason Gutshall, Navarro & Wright, explained that since he was here last, all permits have been obtained. The Lumber Street Interceptor permits have also been obtained, and this project is ready to be put out to bid by Rettew Associates, which is the Highspire Borough Authority's engineer. Comments remaining in the letter from HRG are administrative in nature. The sewer comments from Matt Cinchy of HRG are for additional notes to be added to the plan. Mr. Gutshall stated that Navarro & Wright is looking for a conditional approval tonight.

Ms. Letavic agreed that the comments are basically administrative in nature. She asked Mr. Gutshall if he had received notice that the HOP documentation had been recorded. Mr. Gutshall responded that he had not. He explained that it takes time for PennDOT to receive it back after signature and then take it to the courthouse for recording. Ms. Letavic stated the only comment remaining from her letter relates to the construction details for the inlets. The sewer comments are primarily note changes, although there is one design related comment. She agreed that the plan is ready for a conditional approval.

Solicitor Henninger commented that because the Lumber Street line is not even out to bid yet, he would recommend a note be added to the plan stating that no building permits, sewer permits, or occupancy permits will be issued until the line and construction is complete and up and running. Mark Will asked about the possibility of pulling a building permit, with the understanding that no occupancy permit would be issued. He stated that he realizes the risk would be on them if they build a building and completion of the interceptor is not done and no occupancy permit would be issued. Solicitor Henninger explained that it would be the Board's call, but his recommendation is that they should wait until the line is done. President Mehaffie asked when the interceptor would be completed. Mr. Will anticipated that once awarded, it should take no more than 2 – 3 months to complete. President Mehaffie stated that he personally does not have a problem with building permits being issued, but that would be up to the building department. If that department is comfortable with issuing them, he would feel comfortable too. Of course, the developer would not be able to obtain the occupancy permit until the sewer is ready.

Commissioner Truntz questioned what liability the Board would have if it allowed the developer to build buildings that cannot be occupied. Mr. Will suggested a note be placed on the plan stating it would be the developer's risk if they cannot obtain an occupancy permit; they would accept the responsibility of not being able to occupy until the interceptor is completed. Mr. Will explained that the desire for the building permits is in order to get things up and ready for the spring real estate market. Solicitor Henninger stated that the Board could add a note to the plan stating that no occupancy permits will be issued until such time as the Lumber Street interceptor project is complete and up and running, and that building and sewer permits will be issued at the discretion of the Building/Code Department of Lower Swatara Township.

A motion was made by Vice President Wilt, seconded by Commissioner Springer, to grant a conditional approval of the Final Land Development Plan of Residential Retirement Community, Phase 1, subject to the outstanding comments from staff and HRG pertinent to land development and sewer, and with a note to the plan stating that no occupancy permits will be issued until such time as the Lumber Street interceptor project is complete and up and running, and that building and sewer permits will be issued at the discretion of the Building/Code Department of Lower Swatara Township. Commissioner Truntz interjected that he would like to see some language added to reflect that the developer is assuming risk if the interceptor is not completed. Solicitor Henninger agreed, and suggested a re-motion. A motion was made by Vice President Wilt, seconded by Commissioner Springer, to grant a conditional approval of the Final Land Development Plan of Residential Retirement Community, Phase 1, subject to the outstanding comments from staff and HRG pertinent to land development and sewer, a note on the plan stating that no occupancy permits will be issued until such time as the Lumber Street interceptor project is complete and up and running, that building and sewer permits will be issued at the discretion of the Building/Code Department of Lower Swatara Township, and that any construction undertaken by the developer in advance of completion of the interceptor will be at the developer's sole risk. The motion was unanimously approved.

The Board tabled the Final Land Development Plan for Middletown Home Access Driveway/Parking Revisions, File # 2013-01 prepared by Schlouch, Inc. and submitted by Middletown Home. The initial Plan submitted was due to expire on May 29, 2013. Time extensions were granted by the Board of Commissioners on May 15, 2013, August 21, 2013, November 20, 2013, February 19, 2014, May 21, 2015, October 15, 2015, January 21, 2015,

May 18, 2015, August 19, 2015 and November 18, 2015 due to expire on February 17, 2016. The Board, on February 17, 2016, granted a time extension to expire on May 18, 2016. The Board, on May 18, 2016, granted a time extension to expire on August 17, 2016. The Board on August 17, 2016 granted a time extension to expire on November 16, 2016.

A motion was made by Commissioner Davies, seconded by Commissioner Truntz, to grant a request for a time extension that will expire on January 18, 2017, at the request of the developer, on the Final Subdivision Plan for William's Manor, File #2016-01, a 26 lot subdivision located along Lumber Street for Rhodes Development Group, Inc., submitted by R.J. Fisher Engineering & Assoc., Inc. The plan was recommended for approval by the Planning Commission on April 28, 2016 with conditions. The plan was due to expire July 27, 2016. The Board granted a time extension on July 20, 2016; the plan is due to expire on October 20, 2016. The motion was unanimously approved.

NEW BUSINESS:

A motion was made by Commissioner Davies, seconded by Vice President Wilt, to approve a Road Sign Inventory and Retro-Reflectivity Management Policy. In response to a question from Commissioner Davies, Ms. Letavic explained that retro-reflectivity is the amount of reflection that a traffic sign reflects when light hits it. The motion was unanimously approved.

A motion was made by Commissioner Truntz, seconded by Commissioner Springer, to approve the Improvement Guarantee Reduction Request #2 for Site Construction Improvements for MRPI, 140 Fulling Mill Road, File # 2014-02. It is recommended that a reduction in the amount of \$ 146,239.17 from the current balance of \$ 298,809.35, leaving a remaining balance of \$ 152,570.18 which shall be posted as a Maintenance Guarantee. The 18-month Maintenance Period would end March 31, 2017 with conditions that maintenance is continued, confirmation that a Snout (associated with the Stormwater System) has been installed in I-E1A, and that necessary repairs are made to OCS-A1. The motion was unanimously approved.

Solicitor Henninger suggested that the Board take no action on the next agenda item, approval of the Improvement Guarantee Reduction Request for Sanitary Sewer Improvements for MRPI, 140 Fulling Mill Road. He explained that this should actually be on the Municipal Authority agenda for action.

FINAL COMMENTS:

Commissioner Truntz again encouraged anyone interested in the possibility of serving as Commissioner to submit a letter of interest. He thanked everyone for coming out tonight.

Commissioner Springer also thanked the public for coming out tonight, and expressed hopes that everyone enjoys tonight's debate.

Mr. Kauffman added that Allison Burke of Zelenkofske Axelrod LLC had been hired at the last meeting for accounting consulting services. He assured the Board that all filings are being done on a timely basis.

Mr. Williamson reported that he had received an email over the weekend from one of the employees who was concerned about open trenches on Delmont and Brunswick. Apparently PPL had a subcontractor down there and had not been back for several weeks. After contact was made on Monday, PPL came out to the site; as of tonight, everything is backfilled.

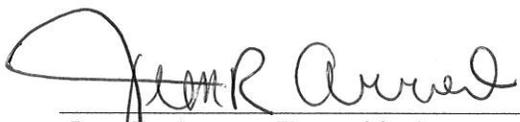
Mr. Williamson reported that he had attended a COG meeting last night and will have a report for the Board at the workshop meeting. He also reminded everyone of the public open house and dedication of the new High School which will be held this Friday evening.

President Mehaffie referenced a letter sent directly to Commissioner Springer from a resident concerned about a property issue. While it appears that Mr. Greene has looked into the matter, he asked that Mr. Williamson and Mr. Kauffman discuss this with Mr. Greene to see if anything can be done to assist the resident.

ADJOURN:

Hearing no other business, a motion was made by Vice President Wilt, seconded by Commissioner Springer, to adjourn the meeting. The motion was unanimously approved, and the meeting adjourned at 8:02 P.M.

ATTEST:



Jean R. Arroyo, Township Secretary

PLEASE PRINT NAME CLEARLY

Board of Commissioners' Legislative Meeting - October 19, 2016

| Name/Organization | Address |
|----------------------|--------------------|
| Tim & Sherry Sostora | Union St. |
| RON PAUL | RICHARD AVE. |
| Chills DeJant | |
| Mike Williams | |
| Bruce Hunter | Stricker |
| Joanne Hunter | Stricker |
| Jason Gutschall | Newport Wright |
| Roll Burkholder | |
| Bob Lighty | |
| Noem Frey | |
| Ben Hall | Constitution Drive |
| Linda Mehauffe | 921 Ebenezer |
| Eric Wise | Press And Journal |
| K Gottshall | |
| N Pendlegrass | BRIAR CREEK Ln |
| Mark Will | |
| | |
| | |
| | |
| | |
| | |
| | |